

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION**

This document relates to:

*The County of Cuyahoga v. Purdue Pharma
L.P.*, Case No. 17-OP-45005 (N.D. Ohio) and
*City of Cleveland v. AmerisourceBergen Drug
Corp.*, Case No. 18-OP-45132 (N.D. Ohio)

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**ENDO'S MOTION FOR AN EXPEDITED BRIEFING SCHEDULE AND
CONSIDERATION FOR ITS MOTION TO RECONSIDER DISQUALIFICATION OR,
IN THE ALTERNATIVE, TO CERTIFY THE DISQUALIFICATION ORDER FOR
INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)**

Endo Pharmaceuticals Inc. and Endo Health Solutions Inc. (hereinafter "Endo"), respectfully move, pursuant to Local Rule 7.1(d), for an Order establishing an expedited briefing schedule for Endo's Motion to Reconsider Disqualification or, in the Alternative, to Certify the Disqualification Order for Interlocutory Appeal under 28 U.S.C. § 1292(b), filed contemporaneously with this Motion.

Pursuant to Local Rule 7.1(d), the Court has authority to accelerate briefing deadlines. *R.C. Olmstead Inc. v. CU Interface LLC*, 657 F. Supp.2d 905, 907 n.3 (N.D. Ohio 2008) (finding a party's request for an accelerated briefing schedule justified). The application and interpretation of the local rules are matters within the district court's discretion. *Barnaby v. Witkowski*, 2018 WL 6650564, at *3 (6th Cir. Dec.18, 2018).

Here, good cause exists to shorten the briefing schedule for Endo's motion. At this pivotal juncture of the case, with the Track One trial less than seven months away, an expeditious resolution of the disqualification issue is critical. By disqualifying Endo's chosen counsel from the Cuyahoga case so close to trial, the Court places Endo at an extreme

disadvantage, especially because Carole Rendon and BakerHostetler have represented Endo since June 2017.

Second, an expedited schedule is necessary to eliminate potential uncertainty surrounding the October 21, 2019 trial. The Order disqualifies Carole Rendon and BakerHostetler from representing Endo in the Cuyahoga County case, but not the Summit County case. Yet the trial for both cases is set to begin on October 21, 2019. Therefore, it may be necessary to sever Cuyahoga County's claims from Summit County's claims and try them separately. This issue is critical not only for Endo, but for all parties in the Track One cases. Therefore, Endo's Motion requires a prompt resolution.

WHEREFORE, Endo respectfully requests that this Court enter an order establishing an expedited briefing schedule and that the Court rule promptly on Endo's Motion to Reconsider Disqualification or, in the Alternative, to Certify the Disqualification Order for Interlocutory Appeal under 28 U.S.C. § 1292(b) as follows:

- (1) Plaintiffs' Response to Endo's Motion to Reconsider Disqualification or, in the Alternative, to Certify the Disqualification Order for Interlocutory Appeal under 28 U.S.C. § 1292(b) be filed by **Friday, April 5, 2019**; and
- (2) Endo's Reply in support of its Motion be filed by **Wednesday, April 10, 2019**.

DATED: March 29, 2019

/s/ John D. Parker

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 29, 2019, the foregoing was filed electronically with the Clerk of Court using the Court's CM/ECF system and will be served via the Court's CM/ECF filing system on all attorneys of record.

DATED: March 29, 2019

/s/ John D. Parker
John D. Parker